

Senator McLeary moved that Sections 8 and 9 be stricken out.
Carried.

Senator McLeary offered the following amendment:

In Section 7, lines 7 and 8, strike out the words, "on payment of the fees hereinafter provided for."

Adopted.

Senator Martin moved that the last amendment recommended by the committee, and which was adopted, which inserted "\$120," instead of "150," be stricken out.

Adopted.

Senator Storey offered the following amendment:

Strike out "\$75," where it occurs, in Section 12, and insert, "\$37.50."

Adopted.

Senator Crain moved to strike out Section 16.

Pending this motion, the Senate was announced as being full, and the call was suspended.

The consideration of Senate Btl No. 162 was resumed.

Senator Crain moved the previous question, which was seconded, and the main question ordered.

The bill then passed by the following vote:

YEAS—Senators Brown, Carroll, Crain, Douglass, Edwards, Francis, Henry J. R., Hobby, McLeary, McCormick, Moore, Motley, Piner, Ripe-toe, Thompson—16.

NAYS—Senators Ball, Burton, Ford, Grace, Guy, Henry F. M., Ledbetter, Martin, McCulloch, Smith, Storey, Wortham—12.

NOT VOTING—Senators Stephens, Terrell—2.

On motion of Senator Crain, the Senate adjourned until 9 o'clock Monday morning, by the following vote:

YEAS—Senators Blassingame, Brown, Carroll, Crain, Douglass, Ford, Guy, Henry F. M., Hobby, Ledbetter, Martin, McCulloch, Moore, Ripe-toe, Smith, Wortham—16.

NAYS—Senators Ball, Burton, Edwards, Francis, Grace, Henry J. R., McLeary, McCormick, Motley, Piner, Storey, Thompson—12.

NOT VOTING—Senators Stephens, Terrell—2.

SIXTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, July 3, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday adopted.

On motion of Senator Hobby, Senator McCormick was excused in consequence of sickness in his family.

Senator Wortham presented the petition of several citizens of Hopkins county, "asking the Legislature to repeal all the laws requiring the levying of occupation taxes."

Referred to Committee on Finance.

Senator Edwards, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read, examined

and compared the following Senate bills, and find them correctly engrossed :

Senate Bill No. 156—"An Act regulating the finances of the several counties of this State, and the mode and manner of keeping the accounts pertaining thereto."

Senate Bill No. 186—"An Act to provide for the registration and payment of the indebtedness of the several counties of the State, incurred prior to April 18, 1876."

EDWARDS, *for Committee.*

Senator Ledbetter, Chairman of the Committee of Conference on the part of the Senate, on the disagreement of the two houses on House Bill No. 121, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee of Conference on the part of the Senate, to confer with a like committee on the part of the House, on the disagreement of the two houses on House Bill No. 121, beg leave to report that they have had a conference with the House Committee, and the committees could come to no agreement. Both committees adhered to the action of their respective bodies. All of which is respectfully submitted.

LEDBETTER, *Chairman.*

Report of committee adopted, and on motion of Senator Storey, a Committee of Free Conference was appointed to confer with a like committee on the part of the House.

The President appointed Senators Smith, Hobby and Stephens on said committee.

Senator Storey, Chairman of the Committee on Finance, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate Bill No. 215, "An Act for the relief of Sabine county," have had the same under consideration, and recommend that it do not pass, as we find a large number of counties in a similar condition, and it will be impossible, in the present financial condition of the State, to grant relief to all of them ; besides, in the opinion of the committee, the burning of an ordinary court-house is not such a "*great public calamity*," as is contemplated by Section 10, Article VIII, of the Constitution.

STOREY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred House Bill No. 68, "An Act to provide for refunding money paid into the State Treasury in certain cases," have had the same under consideration, and recommend that it do not pass, as it might open the door to fraud ; and as there are but few persons needing the relief asked for in the bill, they should be relieved by a special act, after giving the notice required under the Constitution.

STOREY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred House Bill No. 71, "An Act to regulate and prescribe the manner of assessing and collecting taxes to meet the interest and create a sinking fund to pay principal and interest on bonds heretofore issued by cities in aid of internal

improvements, and to regulate the disbursement of the same," have had the same under consideration, and recommend that it do pass.

STOREY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate Bill No. 320, "An Act to provide for the prompt payment of the salaries of Judges," have had the same under consideration, and recommend that it do pass.

STOREY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate Bill No. 222, "An Act to provide for the payment of the bonds of the State of Texas that will become due and that are retireable in the years 1876 and 1877, and to make additional provisions for the floating indebtedness of the State to supply deficiency in the revenue," have had the same under consideration, and recommend that it do not pass, as it is already provided for in a bill heretofore passed by the present Legislature.

STOREY, *Chairman*.

Senator Ripetoe moved that the vote adopting Senator Thompson's amendment to Senate Bill No. 223, "And to further regulate stock raising," on Saturday last be reconsidered.

Withdrawn.

Senator Storey offered the following resolution:

Resolved, by the Senate, That a committee of three Senators be appointed to confer with a like committee from the House, whose duty it shall be to make out and report, as early as possible, to the two houses, a list of the acts absolutely necessary to be considered before the adjournment of this session of the Legislature.

Senator McLeary offered the following amendment:

Add to the resolution, "And to designate which bills, in each house, embody the substance of such acts."

Adopted.

And the resolution, as amended, adopted.

The President appointed on said committee, Senators Storey, Douglass, and Piner.

Senator Terrell offered the following resolution:

WHEREAS, Application has been made by the Turner Association of this city, for the loan of the portrait of George Washington, to be used in their celebration of the 4th of July, to-morrow evening in their hall; therefore, be it

Resolved, That the Superintendent of Public Property be authorized to loan said portrait, as requested: *provided,* the safe return of the same by 8 o'clock A. M., on the 5th inst., is satisfactorily guaranteed to him, or to the President of the Senate.

Adopted.

Senator Wortham introduced a bill, entitled, "An Act to transfer certain suits pending in the courts of the counties of the State, out of which new counties have been created, to the new counties so created.

Read by caption and referred to Judiciary Committee No. 1.

On motion of Senator McLeary, Senator Ledbetter was excused for five days, on account of sickness in his family.

A message was received from the House, announcing the passage by

that body of House Bill No. 33, "An Act to prevent the removal or sale by the lessee or renter, of animals, tools or other property, furnished by the landlord to the tenant, and of the crop raised on the rented premises, before the landlord has been paid for such animals, tools and other property so furnished the tenant by the landlord, and for the rent due the landlord for such rented premises."

Senate Bill No. 223, "An Act to further regulate stock raising," being the unfinished business, was taken up.

Senator Burton moved to exempt Fort Bend and Waller counties from the provisions of the bill.

Adopted.

Senator Ball offered the following amendment:

Insert in Section 9, in lieu of the words, "attached for judicial purposes," "Throckmorton, Haskell, Baylor, Knox, Archer, Wichita, Harde-man, Wilbarger and Wigginforth."

Adopted.

The bill ordered engrossed.

On motion of Senator Thompson, Senator Edwards was added to the Committee on Penitentiaries.

The President, after publicly reading its caption, signed House Bill No. 235, "An Act to provide for the payment of the bonds of the State of Texas, that will become due, and that are retireable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State, and supply deficiencies in the revenue, by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same," which had duly passed both houses.

Senator Crain moved a suspension of the rules, to place the pending Senate Bill No. 223, "An Act to further regulate stock raising," on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—Senator Ford—1.

NOT VOTING—Senators Henry F. M., Piner—2.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Burton, Carroll, Ford, Henry F. M., Piner—5.

Senator Wortham, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and find correctly engrossed Senate Joint Resolutions No. 258, "Authorizing the Superintendent of Public Buildings and Grounds to purchase a flag for the capitol, and No. 169, "Instructing our Senators and requesting our Representatives in Congress to ask protection for

the frontier, and compensation for past expenditures by the State in that behalf."

WORTHAM, *for Committee.*

Senate Bill No. 216, "An Act to provide and maintain a system of public free schools," was taken up.

Senator Hobby moved a call of the House.

Call sustained.

Roll called.

ABSENT—Senators F. M. Henry and Piner.

On motion of Senator Grace, Senators Piner and F. M. Henry were excused.

Call suspended.

The question was the pending substitute for Senate Bill No. 216, offered by Senator Ball.

Substitute lost by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Douglass, Francis, Hobby, Ripetoe, Smith, Stephens, Wortham—10.

NAYS—Senators Brown, Carroll, Crain, Edwards, Ford, Grace, Guy, Henry J. R., Martin, McLeary, McCulloch, Moore, Motley, Storey, Terrell, Thompson—16.

A message was received from the House, announcing that the House had adopted the report of the Conference Committee on Senate Amendments to substitute for House Bills Nos. 121 and 122, "An Act to amend Section 41 and repeal Section 42 of 'An Act to establish a penal code,'" which report requests a Committee of Free Conference, and that Jones of McLennan, Allison and Rust have been appointed such committee on the part of the House.

Senator McLeary offered the following amendment to the pending Senate Bill, No. 216:

In Section 55, line 20, strike out the words, "one-fourth of."

Adopted by the following vote:

YEAS—Senators Ball, Burton, Carroll Crain, Edwards, Ford, Hobby, Martin, McLeary, Ripetoe, Stephens, Storey, Terrell, Wortham—14.

NAYS—Senators Blassingame, Brown, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., McCulloch, Moore, Motley, Thompson—12.

NOT VOTING—Senator Smith—1.

Senator McLeary offered the following amendment:

In Section 55, line 24, after the words, "poll tax," insert the words, "and voting at such election."

Adopted.

Senator Edwards in the chair,

Senator Crain moved to reconsider the vote just taken, adopting Senator McLeary's amendment.

Senator McLeary moved to lay Senator Crain's motion on the table.

Lost by the following vote:

YEAS—Senators Ford, McLeary—2.

NAYS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Wortham—23.

NOT VOTING—Senators Moore, Thompson—2.

President in the chair.

The motion of Senator Crain, to reconsider the adoption of Senator McLeary's amendment, was adopted, and the said amendment of Senator McLeary was lost.

Senator Stephens offered the following amendment:

"*Provided*, teachers shall not receive more than one dollar and fifty cents per month for each pupil, within the scholastic age, in any school community."

Senator Moore offered the following amendment to Senator Stephens' amendment:

Strike out "one dollar and fifty cents," and insert, "one dollar and twenty cents," in lieu thereof.

Accepted by Senator Stephens, and the amendment as amended, adopted.

Senator Wortham offered the following amendment:

Amend Section 51, by striking out line 1, down to the word, "under," in line 2, and inserting the following:

"SEC. 51. When the Trustees of any school community not having a public school house, shall determine it to be to the interest of the community they represent to rent or lease a house for school purposes instead of building one, they are authorized to rent or lease the same for the scholastic year. The rent so contracted to be paid by the County Treasurer out of the school fund to which the children in such school community would be entitled upon the warrant of said Trustees, approved by the County Judge: *provided*, the amount of rent so contracted shall not exceed six dollars per month for a suitable house, to be adjudged of by said Trustees, which house so rented for the time shall be, as shall also each and every other community school house."

Adopted.

Senator Crain offered the following amendment:

Amend Section 8, lines 5 and 6, by striking out "scholastic population upon the latest and most reliable data," and insert, "according to their respective contributions to the general revenue of the State."

Lost.

Senator Ripetoe offered the following amendment:

"Strike out Section 53."

Lost.

Senator Ball moved the following:

"Strike out Section 16."

Senator Moore moved to lay Senator Ball's amendment on the table.

Carried, by the following vote:

YEAS—Senators Blassingame, Carroll, Grace, Guy, Henry J. R., Henry F. M., Hobby, McLeary, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—16.

NAYS—Senators Ball, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Martin, McCulloch, Piner, Smith—12.

Senator Smith offered the following amendment:

Strike out all of Section 16 down to, and including the word, "taught," in line 2, and insert in lieu thereof, "no sectarian school."

Lost, by the following vote:

YEAS—Senators Ball, Brown, Burton, Carroll, Crain, Douglass, Francis, McCulloch, Moore, Motley, Smith, Storey—12.

NAYS—Senators Blassingame, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, Ripetoe, Stephens, Terrell, Thompson, Wortham—15.

Senator Martin offered the following amendment:

Amend Section 55, line 24, by striking out the words, "other than a

poll tax," and inserting, "on property in said city or incorporated town, to be determined by the last assessment rolls of said city or town."

Adopted.

Senator Douglass offered the following amendment:

In Section 55, line 24, after the word, "therefore," add, "*provided that* no city or town of less than ten thousand inhabitants shall levy any tax under this section to exceed one-fourth of one per cent.

Adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Edwards, Francis, Grace, Henry J. R., Henry F. M., Hobby, McCulloch, Moore, Motley, Smith, Stephens, Storey, Wortham—17.

NAYS—Senators Carroll, Ford, Guy, McLeary, Ripetoe, Terrell—6.

NOT VOTING—Senators Burton, Crain, Martin, Thompson—4.

Senator Martin in the chair.

Senator Edwards moved to reconsider the vote just taken, adopting Senator Douglass' amendment.

Senator Grace offered the following amendment:

Amend by striking out Sections 54 and 55 of the bill.

President in the chair.

Senator Carroll offered the following amendment as a substitute for Senator Grace's amendment:

Amend Section 54 by inserting after the word, "limits," in line 3, the words, "*provided*, they determine so to do by a majority vote of the property tax-payers of said town or city."

Adopted.

The amendment as substituted, on motion of Senator McLeary, was laid on the table.

Senator Terrell offered the following amendments, adopted in Committee of the Whole; not that he endorsed all the amendments, but because they were adopted in the committee, and had not been adopted heretofore by the Senate, and to save time in the passage of the bill:

Amendments adopted in Committee of the Whole Senate to Senate Bill [No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," June 26 and 27:

In Section 19, line 1, strike out figure, "8," and insert, "10."

In line 2, strike out, "12," and insert, "14."

In Section 20, line 4, strike out, "8," and insert, "10."

In line 5, strike out "12," and insert, "14."

In line 13, after the word, "each," insert the word, "incorporated."

In line 20, strike out the word, "abstract," and insert the words, "two abstracts."

At the end of line 23, insert, "on or before the first day of July of each year, and shall not receive any compensation unless same is properly made out and returned on said day."

In line 25, strike out the words, "by the County Clerk."

In same line, strike out the word, "he," at end of line, and insert the words, "the County Clerk."

In line 40, after the word, "Assessor," insert, "and said Assessor shall receive for the enumerating of such scholastic population: for the first one thousand, four cents per capita, and two and one-half cents per capita for all number over one thousand, to be paid out of the common

free school fund, to be paid by the County Treasurer on certificate of the County Judge, showing how much he may be entitled to receive."

In line 43, strike out the words, "one-half," and insert in lieu thereof, "one-eighth."

In Section 25, line 3, between the words, "or" and "Board," insert, "drawn by the."

In Section 26, line 2, after the word, "education," insert, "counter-signed by the Comptroller of Public Accounts."

In Section 27, line 4, after the word, "three," insert the words, "well educated."

In Section 26, line 8, after the word, "dollars," insert, "the Board of Examiners shall require the applicant to write, from dictation, twenty lines on foolscap paper, and an original composition of twenty lines, which shall be signed by the applicant, and filed in the County Clerk's office of the county."

In Section 28, line 1, after the word, "guardian," insert, "or next friend of any minor."

In Section 28, line 2, strike out the word, "day," and insert "Monday."

In Section 28, line 14, after the word, "fund," insert, "which list shall include all minors of the scholastic age in said community, who have no legal guardians."

At the end of the section add: "The Assessor, when taking the scholastic census, shall also ascertain to what community each child belongs, and if it appears that any child is not included in any community list, the County Judge shall assign said child to the most convenient and appropriate community, and set apart to said community such child's *pro rata* of the fund."

In Section 31, line 3, after the word, "schools," where it last occurs, insert the words, "male and female."

In Section 32, line 10, after the word, "number," insert the words, "and name."

Amendments of the Committee of the Whole adopted.

Senator Ball offered the following amendment:

In Section 27, in lieu of the words, "County Judge," wherever it occurs in said section or the bill insert, "County Commissioners' Court."

Senator Crain moved the previous question on the pending amendment of Senator Ball.

Seconded, and the main question ordered.

The amendment of Senator Ball lost.

Senator Burton offered the following amendment:

Amend Section 21, line 4, by striking out all after the word, "accessible."

Senator Ripetoe offered the following amendment as a substitute for Senator Burton's amendment:

In Section 21, line 4, strike out all after the word, "accessible," down to the word, "require," in line 5, and insert the word, "or," in lieu thereof.

Lost.

Senator Burton's amendment lost by the following vote:

YEAS—Senators Ball, Burton, Crain, Douglass, Edwards, Hobby, Moore, Ripetoe, Smith—9.

NAYS—Senators Blassingame, Brown, Carroll, Francis, Ford, Grace,

Guy, Henry J. R., Henry F. M., Martin, McLeary, McCulloch, Motley, Storey, Terrell, Thompson, Wortham—17.

NOT VOTING—Senator Stephens—1.

Senator Storey offered the following amendment:

SEC. 25. "That where there is any money in the County Treasury, or other property to the credit of any school district, as constituted under the law repealed by this act, upon application to the County Judge by the trustees of any school community composing a part of said district, it shall be the duty of said County Judge to notify the trustees of the school communities composing the balance of said district, to appear before him on a day named in said notice; and, upon said date, he shall enter up his order, making an equitable partition and distribution of said money, or other property, to the various communities composing said original districts. A copy of which order shall be delivered to the County Treasurer for his guidance, and the fund so distributed, shall constitute a part of the available school fund for said community."

Pending the consideration of Senator Storey's amendment, the further consideration was temporarily suspended.

On motion of Senator Thompson, the rules were suspended, and Senate Bill No. 217, "An Act to encourage stock raising, and for the protection of stock raisers," was taken up and referred to a special committee, consisting of Senators Ford, McLeary, Crain, and Thompson.

Senator Terrell presented the following invitation:

Hon. R. B. Hubbard, President of the Senate:

SIR: The undersigned has been duly commissioned to invite the members and officers of your honorable body, the Senators of the State, to participate in the celebration of the 4th day of July, A. D., 1876, by; the "Turn Verien of Austin," at the Turner Hall, in the city of Austin and hereby respectfully solicit the pleasure of your company.

Very respectfully, WALTER JACOBY, *Chairman of Committee.*

On motion of Senator Smith, the invitation was accepted.

Senator McLeary, from the joint committee to make arrangements for the reception of the portrait of Gen. Tom Green, reported that the ceremonies would take place in the hall of the House of Representatives at 12 M. to-morrow.

Senator Crain moved that the Senate meet in the Hall of Representatives at the hour above named.

Adopted.

On motion of Senator McLeary, Senator Wortham was excused for three days.

On motion of Senator McLeary, the Senate adjourned till 3:30 o'clock this afternoon.

AFTERNOON SESSION.

Senate met at 3:30 P. M., pursuant to adjournment. Roll called. No quorum being present, the Sergeant-at-Arms was dispatched for absentees.

Senator Grace in the chair.

Senate was announced as being full.

Senator Ford, by leave, presented a joint resolution, "instructing our Senators and requesting the Representatives of Texas in Congress to

urge the passage of a bill providing for the speedy removal of Seminole Indian negroes from the Rio Grande frontier to the Indian Territory."

On motion of Senator McLeary, the rules were suspended, and Senate Bill No. 244, "An Act to amend Section 1 of 'An Act for the protection of the wool growing interest of the State,' approved May 2, 1874," was taken up, read second time and ordered engrossed.

On motion of Senator Crain, the rules were suspended and Senate Bill No. 298, "An Act to provide for the change of venue by the State in criminal cases," was taken up and ordered engrossed.

On motion of Senator Crain, the rules were further suspended to place the bill on its third reading by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Storey—21.

NAYS—None.

NOT VOTING—Senators Burton, Smith, Stephens, Terrell, Thompson, Wortham—6.

The bill was then read, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Storey—21.

NAYS—None.

NOT VOTING—Senators Burton, Smith, Stephens, Terrell, Thompson, Wortham—6.

A message was received from the House, announcing the passage by that body of Senate Bill No. 300, "An Act to fix the time of holding the District Courts of the Eighteenth Judicial District of the State of Texas."

Senate Bill No. 105—"An Act to amend an act entitled, 'An Act to ascertain the amount due the teachers of the public free schools of this State, for services rendered as teachers, prior to July 1, 1873, and to provide for the payment of the same,' approved April 27, 1874.

Senate Joint Resolution No. 169—"Instructing our Representatives in Congress to ask protection for the frontier, and compensation for past expenditures by the State in that behalf."

House Bill No. 220—"An Act to further define the duties of the Comptroller and Treasurer of the State in regard to the county moneys deposited with the Treasurer, under the provisions of the act of April 12, 1871, entitled, 'An Act to authorize counties, cities and towns, to aid in the construction of railroads and other works of internal improvement.'"

House Bill No. 203—"An Act supplementary to 'An Act to create and organize the county of Somerville,' approved March 13, 1875.

House Bill No. 160—"An Act fixing the times of holding the District Courts of the Seventh Judicial District of the State of Texas."

House Bill No. 108—"An Act to enable the city of Galveston to construct a sea-wall and breakwater; to levy a tax and issue bonds therefor, and to grant State aid to the same by donation of land."

House Bill No. 76—"An Act to define and punish barratry."

House Bill No. 41—"An Act to amend Section 1 of an act to amend Section 4 of an act entitled, 'An Act regulating attachments,' approved March 11, 1848, passed July 24, 1856, approved December 16, 1863.

The President in the chair.

On motion of Senator Ball, the rules were suspended, and Senate Bill No. 179, "An Act to encourage irrigation and navigation," was taken up and read second time.

On motion of Senator Guy, one hundred copies of the bill were ordered printed, and the same made the special order for Friday next, at 10 o'clock A. M., and from day to day until disposed of.

Senator Storey presented a bill to be entitled, "An Act to amend Section 1 of an act entitled, 'An Act to authorize the United States bonds now in the Treasury to the credit of the school fund, to be disposed of, and the proceeds thereof invested in State bonds; likewise, to invest in the same manner, the funds now in the Treasury to the credit of said fund, or that may hereafter be received from all sources.'"

Read by caption, and referred to the Committee on Finance.

On motion of Senator Grace, the rules were suspended, and Senate Bill No. 259, "An Act to transfer suits and unfinished business pending in Justice of the Peace Courts at the time of adopting the Constitution of 1875, for the State of Texas, to the Justice of the Peace Courts of the precincts in which said suit should be tried," was taken up, read the second time, and ordered engrossed.

On motion of Senator Grace, the rules were further suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Ford, Smith, Stephens—3.

The bill was then read the third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Ford, Smith—2.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 164, "An Act to amend Article 436, and to repeal Article 440 of the code of criminal procedure," was taken up, read second time, and ordered engrossed.

On motion of Senator Thompson, the rules were suspended, and Senate Bill No. 191, "An Act to provide for the archiving of certain criminal causes in the District and County Courts," was taken up.

Report of committee, recommending amendments, adopted.

Bill then read second time and ordered engrossed.

On motion of Senator Thompson, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Ford, Smith—2.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Burton, Ford—2.

On motion of Senator Francis, the rules were suspended and Senate Bill No. 184, "An Act regulating the incorporation of all cities of ten thousand inhabitants or less, and to provide for the substitution and repeal of all acts heretofore passed incorporating said cities, which may be in force by virtue of any existing charter," was taken up.

Substitute of committee read and adopted.

Senator Terrell offered the following amendment to the caption of the bill:

Amend the title by adding inverted commas after the title of the act.

Adopted, and the bill ordered engrossed.

On motion of Senator Douglass, the rules were suspended and House Bill No. 212, "An Act to facilitate commerce and navigation within the navigable waters of the State of Texas," was taken up and read second time.

On motion of Senator Douglass, the amendment of the committee was adopted.

Senator Crain moved to print the bill.

On motion of Senator McLeary, the motion of Senator Crain was laid on the table.

Senator Terrell asked to be excused from voting on this bill, stating that he had represented the Galveston Wharf Company as their attorney before a committee of the Constitutional Convention; that he believed that this bill was aimed at that company, and though not now its attorney, he desired to be excused from voting.

He was excused.

The bill passed to a third reading.

A message was received from the House announcing the passage by that body of the following bills:

House Bill No. 180—"An Act for the relief of the citizens of Montague county."

House Bill No. 333—"An Act to authorize and require the State Board of Education to invest the proceeds of the sale of university lands now in the State Treasury in six per cent. State bonds."

House Bill No. 334—"An Act to authorize the State Board of Education to collect and invest the interest due on the bonds belonging to the Agricultural and Mechanical College in six per cent. State bonds."

Senator Edwards, by leave, submitted the following resolution:

WHEREAS, We recognize in Thomas J. Rusk the compatriot and peer of General Sam Houston; and,

WHEREAS, An opportunity now offers to secure a correct likeness, while the appearance of said patriot and statesman is yet fresh in the memory of a few of his intimate friends yet living, whereby the artist could be materially aided in attaining accuracy in a portrait; therefore,

Be it resolved by the Senate of the State of Texas, That the sum of seven hundred dollars be, and the same is hereby appropriated out of the contingent fund of the Senate, for the purpose of securing a portrait of

Thomas J. Rusk, to be of the same size and character of painting as the portrait of Genl. Sam Houston, now hanging on the right of the President's chair.

Be it further resolved, That the Chairman of the Committee on Contingent Expenses and the President of the Senate be authorized to employ a competent artist to execute the work, and, after the work is executed, the Governor, Comptroller, Treasurer and Secretary of State are hereby constituted a Board to examine said work and pass upon the correctness of the likeness, with the aid of persons anticipated in the preamble; and when the work shall be considered as accurate as can be secured, the said Board may certify to same, and include in certificate the amount due the artist for performing the labor; and said certificate shall be sufficient authority for the Comptroller to draw his warrant on the Treasurer in favor of the artist for payment of the same.

Referred to Committee on Contingent Expenses.

Senator Wortham, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 299, "An Act to provide for the detection and conviction of all forgers of land titles," have carefully examined and compared the same, and find it correctly engrossed. WORTHAM, for Committee.

On motion of Senator Thompson, the rules were suspended, and Senate Bill No. 261, "An Act to create a standing Treasury Committee," was taken up, read second time, and ordered engrossed.

On motion of Senator Douglass, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Carroll, Crain, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCulloch, Moore, Motley, Ripetoe, Storey, Thompson, Wortham—20.

NAYS—Senators Smith, Stephens, Terrell—3.

NOT VOTING—Senators Brown, Burton, Edwards, McLeary—4.

Bill read third time.

Senator Stephens moved that the emergency clause be stricken out of the bill.

Carried, and the bill passed.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 291, "An Act to regulate procedure in relation to common uses of certain enclosed lands," was taken up and read second time.

Senator Ford moved that 50 copies be printed.

Lost, and the bill ordered engrossed.

Senator Grace moved a reconsideration of the vote passing Senate Bill No. 261, "An Act to create a standing Treasury Committee."

Senator Crain moved to adjourn until Wednesday morning at 10 o'clock.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, Guy, Henry J. R., Martin, McCulloch, Ripetoe—9.

NAYS—Senators Ball, Blassingame, Brown, Douglass, Francis, Grace, Henry F. M., Hobby, McLeary, Moore, Motley, Smith, Stephens, Storey, Terrell, Thompson, Wortham—17.

NOT VOTING—Senator Edwards—1.

Senator Stephens, Chairman of the Committee on Federal Relations, by leave, presented the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate Bill No. 316, "An Act to set apart one million acres of the public domain of the State for the establishment and maintenance of the University of Texas; and to reserve, for that purpose, from location, the unappropriated public domain belonging to the State within the boundaries of Greer county," have had the same under consideration, and instruct me to report said bill with the recommendation that it do pass.

STEPHENS, *Chairman.*

Senate Bill No. 216, "The school bill," taken up, pending Senator Storey's amendment.

On motion of Senator McLeary, the Senate adjourned until Wednesday at 8 o'clock.

SIXTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 5, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. No quorum being present, the Sergeant-at-Arms was instructed to bring in absentees.

Senator Ball in the chair.

A quorum appearing, the Senate proceeded to business. Prayer by Rev. Mr. Dickson.

Journal of Monday adopted.

Senator Storey submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

The Committee of Conference of the two Houses have had under consideration the question of difference between the two Houses on Senate substitute for Senate Bills Nos. 73, 74 and 86, entitled, "An Act to define the duties of County Attorneys and regulate the performance of the same," and report that they cannot agree, and ask that a Committee of Free Conference be appointed.

STOREY,	}	<i>Senate Committee.</i>
THOMPSON,		
CHESLEY,	}	<i>House Committee.</i>
KINNISON,		

Report of committee adopted, and the President appointed Senators Storey, McLeary, and Piner as said Committee of Free Conference.

On motion of Senator Storey, Senator Thompson was added to the committee.

On motion of Senator McLeary, Leigh Chalmers, Secretary of the Senate, was excused until 10:30 o'clock.

The message of His Excellency, the Governor, received on the 3rd inst., was read as follows: